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3 **FAIR POLITICAL PRACTICES COMMISSION**
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8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA
10
11

12 In the Matter of) FPPC No.: 99/540
13)
14 PAM GARCIA,) STIPULATION, DECISION and
15) ORDER
16 Respondent.)
17)

18 The complainant, Executive Director of the Fair Political Practices Commission, Wayne K.
19 Strumpfer, and Respondent, Pam Garcia, hereby agree that this Stipulation will be submitted for
20 consideration by the Fair Political Practices Commission at its next regularly scheduled meeting.

21 The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this
22 matter and to reach a final disposition without the necessity of holding an administrative hearing to
23 determine the liability of the Respondent.

24 Respondent understands and hereby knowingly and voluntarily waives any and all procedural
25 rights under Government Code sections 83115.5 and 11503, and Title 2, California Code of Regulations
26 section 18361, including but not limited to the issuance and receipt of an accusation, and the right to be
27 represented by an attorney at Respondent's own expense, to appear personally in any administrative
28 hearing held in this matter, to confront and cross-examine all witnesses testifying at the hearing, to

1 subpoena witnesses to testify at the hearing and to have an impartial administrative law judge present at
2 the hearing to act as a hearing officer.

3 It is further stipulated and agreed that Respondent violated the Political Reform Act in that she
4 failed to timely file her 1998 Statements of Economic Interests and a Leaving Office Statement in
5 violation of Government Code sections 87300 and 87302 (2 counts) as described in Exhibit 1, attached
6 hereto and incorporated herein by reference, which is a true and accurate summary of the facts in this
7 matter.

8 Respondent agrees to the issuance of the Decision and Order and imposition by the Commission
9 of a fine in the amount of one thousand dollars (\$1,000), and a cashier's check in said amount, payable
10 to the "General Fund of the State of California," is submitted herewith to be held by the State of
11 California until the Commission issues its Decision and Order.

12 The parties agree that in the event the Commission refuses to accept this Stipulation, it shall
13 become null and void, and within fifteen (15) business days after the Commission meeting at which this
14 Stipulation is rejected, payments tendered shall be reimbursed to the Respondent. Respondent further
15 stipulates and agrees that in the event the Commission rejects the Stipulation and a full evidentiary
16 hearing before the Commission becomes necessary, no member of the Commission, nor the Executive
17 Director, shall be disqualified because of prior consideration of this Stipulation.

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19 Dated: _____

Wayne K. Strumpfer
Executive Director
FAIR POLITICAL PRACTICES COMMISSION

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23 Dated: April 14, 2001

Pam Garcia
Pam Garcia, Respondent

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ORDER

The foregoing stipulation of the parties “In the Matter of Pam Garcia, FPPC No. 99/540,” including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political Practices Commission, effective upon execution below by the Chairman.

IT IS SO ORDERED.

Dated: _____

Karen A. Getman, Chairman
Fair Political Practices Commission

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EXHIBIT 1

INTRODUCTION

Respondent Pam Garcia was a Recreation and Parks Commissioner for the City of Pasadena. Pursuant to the City of Pasadena's Conflict of Interest Code, Ms. Garcia was a designated employee required to file an annual Statement of Economic Interests (hereafter SEI) disclosing her economic interests, and a Leaving Office Statement, when she resigned her position. Respondent failed to file her 1998 annual SEI on or before the due date of April 1, 1999, and failed to file a Leaving Office Statement within thirty days of resigning her position.

For purposes of this Stipulation, the violations of the Political Reform Act ("Act")¹ are as follows:

COUNT 1: On or about April 1, 1999 Respondent Pam Garcia failed to timely file an annual Statement of Economic Interests, in violation of Government Code sections 87300 and 87302.

COUNT 2: On or about July 1, 1999, Respondent Pam Garcia failed to timely file a Leaving Office Statement, in violation of Government Code sections 87300 and 87302.

SUMMARY OF THE LAW

In order to avoid conflicts of interest, section 81002, subdivision (c) provides that the assets and income of public officials, which may be materially affected by their official actions, should be disclosed and in appropriate circumstances the officials should be disqualified from acting.

In furtherance of this purpose, section 87300 requires every agency to adopt and promulgate a Conflict of Interest Code. The agency's Conflict of Interest Code has the force and effect of law, and any violation of the code is deemed a violation of the Act. (Sections 87300 and 87302.)

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations section 18000, *et seq.* All references to regulations are to Title 2, Division 6 of the California Code of Regulations unless otherwise indicated.

Section 87302 specifies that an agency's Conflict of Interest Code must designate the employees who are required to disclose reportable investments, business positions, interests in real property and income on a statement of economic interests.

Section 87302, subdivision (b) requires a new designated employee to file an assuming office SEI within 30 days after assuming office, or 30 days after being appointed or nominated. In addition, the subdivision requires that the designated employee file annual SEIs at a time specified in the Conflict of Interest Code and a leaving office SEI within 30 days of leaving their position with the agency.

SUMMARY OF THE FACTS

On May 6, 1996, Pam Garcia was appointed to the Recreation and Parks Commission for the City of Pasadena. As a Commissioner, Ms. Garcia was a designated employee pursuant to the City of Pasadena's Conflict of Interest Code and section 80219, subdivision (c), of the Political Reform Act. Accordingly, Ms. Garcia was required to file an annual SEI disclosing her economic interests, and a Leaving Office Statement, within 30 days of resigning her position.

According to the Pasadena City Clerk's Office, Ms. Garcia failed to file her 1998 annual SEI by the April 1, 1999, due date.

On April 6, 1999, the Pasadena Assistant City Clerk, Judy Kent, sent a certified letter to Ms. Garcia stating that her annual 1998 SEI was past due and requesting that it be filed within 30 days. The letter advised Ms. Garcia that she was liable for a late filing penalty of \$10 per day, up to a maximum of \$100. The letter advised that the penalty could be waived if she filed her SEI within the 30 day period and provided an explanation for the delinquent filing. On April 12, 1999, Ms. Kent spoke with Ms. Garcia and requested that she file her SEI. Ms. Garcia told Ms. Kent that she would file her SEI that day.

On May 14, 1999, and June 2, 1999, Ms. Kent left phone messages at Ms. Garcia's business reminding Ms. Garcia to file her SEI. Ms. Garcia did not respond.

On June 16, 1999, the Assistant City Clerk sent a second letter to Ms. Garcia informing her that her SEI had not been received. The letter further advised that the \$100 late fee was being imposed and that the matter would be referred to the Fair Political Practices Commission if she did not file her SEI and pay the penalty within ten days.

On August 11, 1999, Ms. Kent sent a letter to the Commission requesting assistance in handling Ms. Garcia's delinquent SEI filing. On September 29, 1999, Investigator Bill Motmans of the Enforcement Division contacted Ms. Garcia by phone. Mr. Motmans reminded Ms. Garcia that her 1998 SEI was overdue. Ms. Garcia told Mr. Motmans that she didn't think she had to file an SEI because she had resigned her position as a Parks and Recreation Commissioner in June of 1999.

Investigator Motmans advised Ms. Garcia that she still had to file her 1998 SEI as well as a Leaving Office Statement, within 30 days of her leaving office.

On September 29, 1999, the Mayor of Pasadena, Bill Bogaard, wrote Ms. Garcia and asked her to file her Leaving Office Statement within 30 days.

On November 1, 2000, Respondent was served with an Order issued by Executive Director Wayne Strumpfer finding that Probable Cause had been established that Respondent had committed the two alleged violations of the Political Reform Act.

On December 29, 2000, Respondent was served by mail with an Accusation, alleging the two violations of the Political Reform Act as set forth above. Ms. Garcia did not respond.

On February 28, 2001, Respondent was personally served at her place of business with the Accusation. On March 27, 2001, Ms. Garcia mailed her 1998 annual SEI and her Leaving Office Statement to the Enforcement Division, which then forwarded them to the Pasadena City Clerk's office for filing.

ADDITIONAL INFORMATION

In 1997, Ms. Garcia filed her 1996 annual SEI two-and-a-half months late and paid a \$100 fine to the City Clerk's Office.

CONCLUSION

This matter consists of two counts, which carry a maximum possible administrative fine of four thousand dollars (\$4,000). The facts of the case justify imposition of the agreed upon fine of one thousand dollars (\$1,000).